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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, JANUARY 21, 2003**

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# JOURNAL OF THE SENATE

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NINTH CALENDAR DAY  
SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 21, 2003

The Senate met in regular session at 1:04 p.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kristina Hauge.

The Journal of Friday, January 17, 2003, was approved.

## COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on credentials be appointed to examine and report on the election in Senate District 26.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Boettger, Chair; Miller, Gaskill, Dvorsky, and Black.

The Senate stood at ease at 1:10 p.m. until the fall of the gavel.

The Senate resumed session at 1:11 p.m., President Kramer presiding.

## REPORT OF THE COMMITTEE ON CREDENTIALS

MADAM PRESIDENT: We, your committee on credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of

State duly elected to and entitled to a seat in the Senate for the Eightieth General Assembly.

NANCY BOETTGER, Chair  
DAVID MILLER  
E. THURMAN GASKILL  
ROBERT E. DVORKSY  
DENNIS BLACK

CERTIFICATION—STATE OF IOWA  
OFFICE OF THE SECRETARY OF STATE

To the Honorable Michael E. Marshall, Secretary of the Senate:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on January 14, 2003, Steve Kettering was elected to fill a vacancy in the office of State Senator of the Twenty-sixth District for the balance of the term that began on January 2, 2001.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse in Des Moines, this twenty-first day of January, 2003.

CHESTER J. CULVER  
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this twenty-first day of January, 2003.

MICHAEL E. MARSHALL  
Secretary of the Senate

Senator Boettger moved the adoption of the report of the committee on credentials, which motion prevailed by a voice vote.

Senator-elect Steve Kettering appeared before the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, until he arrives, on request of Senator Iverson.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:26 p.m. until 8:30 a.m. Wednesday, January 22, 2003.

**APPENDIX****COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

January 21, 2003

**BOARD OF REGENTS**

Annual Report on Economic Development and Technology Transfer — notification that the report in electronic form is available online.

**DEPARTMENT OF CORRECTIONS**

Intermediate Criminal Sanctions Report — notification that the report in electronic form is available online.

**IOWA HIGHER EDUCATION LOAN AUTHORITY**

2002 Annual Report, pursuant to Iowa Code section 261A.21.

**DEPARTMENT OF HUMAN SERVICES**

Report on the Resident Advocate Committee Program, pursuant to 2002 Acts, [House File 2430](#).

**DEPARTMENT OF MANAGEMENT**

Contract Compliance Annual Report for FY 2002 — notification that the report in electronic form is available online.

**DEPARTMENT OF NATURAL RESOURCES**

Demolition Site Waste Task Force Report, pursuant to 2002 Acts, [Senate File 2325](#).

**DEPARTMENT OF PUBLIC HEALTH**

Final Report of the Task Force on the Development of an Interstate Prescription Drug Purchasing Cooperative — notification that the report in electronic form is available online.

**IOWA WORKFORCE DEVELOPMENT**

Annual Report for FY 2002 — notification that the report in electronic form is available online.

**AGENCY ICN REPORTS****OFFICE OF DRUG CONTROL POLICY**

Iowa Communications Network (ICN) Usage for FY 2002, pursuant to Iowa Code section 8D.10.

**STATE LIBRARY OF IOWA**

Iowa Communications Network (ICN) Usage for FY 2002, pursuant to Iowa Code section 8D.10.

**STANDING COMMITTEES APPOINTED**

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Eightieth General Assembly:

\*Vice Chair  
\*\*Ranking Member

**AGRICULTURE—15 Members**

Behn, Chair	Black	Johnson	Seng
Hosch*	Courtney	Kibbie	Veenstra
Fraise**	Gaskill	Putney	Zieman
Angelo	Houser	Ragan	

**APPROPRIATIONS—25 Members**

Lamberti, Chair	Dotzler	McKibben	Shull
Kramer*	Fraise	McKinley	Sievers
Dvorsky**	Gaskill	Miller	Tinsman
Behn	Hatch	Schuerer	Veenstra
Black	Horn	Seng	Warnstadt
Bolkcom	Houser	Seymour	Zieman
Connolly			

**BUSINESS AND LABOR RELATIONS—11 Members**

Schuerer, Chair	Courtney	Johnson	Seymour
Lundby*	Dotzler	Kettering	Wieck
Dearden**	Horn	McKibben	

**COMMERCE—15 Members**

Angelo, Chair	Behn	Kettering	Schuerer
Wieck*	Bolkcom	Larson	Sievers
Warnstadt**	Brunkhorst	McCoy	Stewart
Beall	Gronstal	Redfern	

ECONOMIC GROWTH—13 Members

Rehberg, Chair	Boettger	McKinley	Seymour
Shull*	Dotzler	Putney	Stewart
Hatch**	Larson	Ragan	Veenstra
Beall			

EDUCATION—15 Members

Boettger, Chair	Beall	Holveck	Quirnbach
McKinley*	Behn	Hosch	Redfern
Connolly**	Brunkhorst	Kreiman	Rehberg
Angelo	Dvorsky	Larson	

ETHICS—6 Members

Drake, Chair	Kibbie**	Dearden	McKibben
Redfern*	Connolly		

GOVERNMENT OVERSIGHT—5 Members

Lundby, Chair	Courtney**	Dvorsky	Wieck
Brunkhorst*			

HUMAN RESOURCES—13 Members

Veenstra, Chair	Boettger	Horn	McKinley
Seymour*	Hatch	Hosch	Schuerer
Ragan**	Holveck	Kreiman	Tinsman
Behn			

JUDICIARY—15 Members

Redfern, Chair	Fraise	Lamberti	Putney
Larson*	Holveck	McCoy	Quirnbach
Kreiman**	Horn	McKibben	Tinsman
Boettger	Kettering	Miller	

LOCAL GOVERNMENT—13 Members

Gaskill, Chair	Hatch	Kreiman	Seymour
Miller*	Hosch	McCoy	Stewart
Quirnbach**	Houser	Rehberg	Wieck
Angelo			

NATURAL RESOURCES AND ENVIRONMENT—15 Members

Houser, Chair	Bolkcom	Holveck	Miller
Johnson*	Brunkhorst	Kettering	Wieck
Seng**	Dearden	Kibbie	Zieman
Black	Drake	Lundby	

RULES AND ADMINISTRATION—11 Members

Iverson, Chair	Boettger	Dvorsky	Ragan
Kramer*	Courtney	Gaskill	Sievers
Gronstal**	Drake	Putney	

STATE GOVERNMENT—15 Members

Zieman, Chair	Connolly	Johnson	Shull
Sievers*	Courtney	Lamberti	Tinsman
Kibbie	Dearden	Ragan	Veenstra
Black	Drake	Schuerer	

TRANSPORTATION—13 Members

Drake, Chair	Dearden	Johnson	Shull
Putney*	Fraise	Kettering	Warnstadt
McCoy**	Houser	Rehberg	Zieman
Beall			

WAYS AND MEANS—17 Members

McKibben, Chair	Dotzler	McCoy	Rehberg
Shull*	Hosch	McKinley	Seng
Bolkcom**	Lamberti	Miller	Sievers
Angelo	Larson	Quirnbach	Stewart
Connolly			

**SENATE APPROPRIATIONS SUBCOMMITTEES**ADMINISTRATION AND REGULATION

Zieman, Chair	Holveck**	Stewart
Sievers*	Rehberg	

AGRICULTURE AND NATURAL RESOURCES

Gaskill, Chair	Black**	Seymour
Houser*	Seng	

ECONOMIC DEVELOPMENT

McKinley, Chair	Dotzler**	Quirnbach
Behn*	Putney	

EDUCATION

Schuerer, Chair	Horn**	Shull
Boettger*	Kibbie	

HEALTH AND HUMAN SERVICES

Tinsman, Chair	Hatch**	Veenstra
Johnson*	Bolkcom	

JUSTICE SYSTEM

Miller, Chair	Fraise**	Kreiman
Angelo*	Hosch	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

McKibben, Chair	Warnstadt**	Kettering
Lamberti*	Beall	

**SENATORS AND THEIR RESPECTIVE COMMITTEES**

ANGELO, Jeff	Agriculture Commerce, Chair Education Local Government Ways and Means Justice System Appropriations Subcommittee, Vice Chair
BEALL, Daryl	Commerce Economic Growth Education Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BEHN, Jerry	Agriculture, Chair Appropriations Commerce Education Human Resources Economic Development Appropriations Subcommittee, Vice Chair
BLACK, Dennis H.	Agriculture Appropriations Natural Resources and Environment State Government Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
BOETTGER, Nancy	Economic Growth Education, Chair Human Resources Judiciary

	<p>Rules and Administration            Education Appropriations Subcommittee,            Vice Chair</p>
BOLKCOM, Joe	<p>Appropriations            Commerce            Natural Resources and Environment            Ways and Means, Ranking Member            Health and Human Services Appropriations            Subcommittee</p>
BRUNKHORST, Bob	<p>Commerce            Education            Government Oversight, Vice Chair            Natural Resources and Environment</p>
CONNOLLY, Mike	<p>Appropriations            Education, Ranking Member            Ethics            State Government            Ways and Means</p>
COURTNEY, Thomas G.	<p>Agriculture            Business and Labor Relations            Government Oversight, Ranking Member            Rules and Administration            State Government</p>
DEARDEN, Dick L.	<p>Business and Labor Relations, Ranking            Member            Ethics            Natural Resources and Environment            State Government            Transportation</p>
DOTZLER, William A., Jr.	<p>Appropriations            Business and Labor Relations            Economic Growth            Ways and Means            Economic Development Appropriations            Subcommittee, Ranking Member</p>
DRAKE, Richard F.	<p>Ethics, Chair            Natural Resources and Environment            Rules and Administration            State Government            Transportation, Chair</p>
DVORSKY, Robert E.	<p>Appropriations, Ranking Member            Education            Government Oversight            Rules and Administration</p>

FRAISE, Gene	Agriculture, Ranking Member Appropriations Judiciary Transportation Justice System Appropriations Subcommittee, Ranking Member
GASKILL, E. Thurman	Agriculture Appropriations Local Government, Chair Rules and Administration Agriculture and Natural Resources Appropriations Subcommittee, Chair
GRONSTAL, Michael E.	Commerce Rules and Administration, Ranking Member
HATCH, Jack	Appropriations Economic Growth, Ranking Member Human Resources Local Government Health and Human Services Appropriations Subcommittee, Ranking Member
HOLVECK, Jack	Education Human Resources Judiciary Natural Resources and Environment Administration and Regulation Appropriations Subcommittee, Ranking Member
HORN, Wally E.	Appropriations Business and Labor Relations Human Resources Judiciary Education Appropriations Subcommittee, Ranking Member
HOSCH, Julie M.	Agriculture, Vice Chair Education Human Resources Local Government Ways and Means Justice System Appropriations Subcommittee
HOUSER, Hubert	Agriculture Appropriations Local Government Natural Resources and Environment, Chair Transportation

	Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
IVERSON, Stewart E., Jr.	Rules and Administration, Chair
JOHNSON, David	Agriculture Business and Labor Relations Natural Resources and Environment, Vice Chair State Government Transportation Health and Human Services Appropriations Subcommittee, Vice Chair
KETTERING, Steve	Business and Labor Relations Commerce Judiciary Natural Resources and Environment Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee
KIBBIE, John P. (Jack)	Agriculture Ethics, Ranking Member Natural Resources and Environment State Government, Ranking Member Education Appropriations Subcommittee
KRAMER, Mary	Appropriations, Vice Chair Rules and Administration, Vice Chair
KREIMAN, Keith A.	Education Human Resources Judiciary, Ranking Member Local Government Justice System Appropriations Subcommittee
LAMBERTI, Jeff	Appropriations, Chair Judiciary State Government Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair
LARSON, Charles W., Jr.	Commerce Economic Growth Education Judiciary, Vice Chair Ways and Means

LUNDBY, Mary	Business and Labor Relations, Vice Chair Government Oversight, Chair Natural Resources and Environment
McCOY, Matt	Commerce Judiciary Local Government Transportation, Ranking Member Ways and Means
McKIBBEN, Larry	Appropriations Business and Labor Relations Ethics Judiciary Ways and Means, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair
McKINLEY, Paul	Appropriations Economic Growth Education, Vice Chair Human Resources Ways and Means Economic Development Appropriations Subcommittee, Chair
MILLER, David	Appropriations Judiciary Local Government, Vice Chair Natural Resources and Environment Ways and Means Justice System Appropriations Subcommittee, Chair
PUTNEY, John	Agriculture Economic Growth Judiciary Rules and Administration Transportation, Vice Chair Economic Development Appropriations Subcommittee
QUIRMBACH, Herman C.	Education Judiciary Local Government, Ranking Member Ways and Means Economic Development Appropriations Subcommittee
RAGAN, Amanda	Agriculture Economic Growth Human Resources, Ranking Member

	Rules and Administration State Government
REDFERN, Donald B.	Commerce Education Ethics, Vice Chair Judiciary, Chair
REHBERG, Kitty	Economic Growth, Chair Education Local Government Transportation Ways and Means Administration and Regulation Appropriations Subcommittee
SCHUERER, Neal	Appropriations Business and Labor Relations, Chair Commerce Human Resources State Government Education Appropriations Subcommittee, Chair
SENG, Joe M.	Agriculture Appropriations Natural Resources and Environment, Ranking Member Ways and Means Agriculture and Natural Resources Appropriations Subcommittee
SEYMOUR, James A.	Appropriations Business and Labor Relations Economic Growth Human Resources, Vice Chair Local Government Agriculture and Natural Resources Appropriations Subcommittee
SHULL, Doug	Appropriations Economic Growth, Vice Chair State Government Transportation Ways and Means, Vice Chair Education Appropriations Subcommittee
SIEVERS, Bryan J.	Appropriations Commerce Rules and Administration State Government, Vice Chair Ways and Means

	Administration and Regulation Appropriations Subcommittee, Vice Chair
STEWART, Roger	Commerce Economic Growth Local Government Ways and Means Administration and Regulation Appropriations Subcommittee
TINSMAN, Maggie	Appropriations Human Resources Judiciary State Government Health and Human Services Appropriations Subcommittee, Chair
VEENSTRA, Ken	Agriculture Appropriations Economic Growth Human Resources, Chair State Government Health and Human Services Appropriations Subcommittee
WARNSTADT, Steve	Appropriations Commerce, Ranking Member Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member
WIECK, Ron	Business and Labor Relations Commerce, Vice Chair Government Oversight Local Government Natural Resources and Environment
ZIEMAN, Mark	Agriculture Appropriations Natural Resources and Environment State Government, Chair Transportation Administration and Regulation Appropriations Subcommittee, Chair

## REPORTS OF COMMITTEE MEETINGS

### AGRICULTURE

**Convened:** January 21, 2003, 1:30 p.m.

**Members Present:** Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Black, Courtney, Gaskill, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

**Members Absent:** Houser (excused).

**Committee Business:** Joint meeting with the House Agriculture committee to listen to speakers from ISU and TransOva.

**Adjourned:** 3:00 p.m.

### GOVERNMENT OVERSIGHT

**Convened:** January 21, 2003, 3:05 p.m.

**Members Present:** Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 3:55 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 21, 2003, 3:05 p.m.

**Members Present:** Zieman, Chair; Sievers, Vice Chair; Holveck, Ranking Member; and Stewart.

**Members Absent:** Rehberg (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:20 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 21, 2003, 3:05 p.m.

**Members Present:** McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirmbach.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 3:25 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** January 21, 2003, 3:05 p.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 4:15 p.m.

#### INTRODUCTION OF RESOLUTION

**Senate Resolution 2**, by Bolkcom, a resolution relating to the maintenance of the Iowa Department of Elder Affairs as a separate department within state government.

Read first time under Rule 28 and referred to committee on **State Government**.

#### INTRODUCTION OF BILLS

**Senate File 30**, by Brunkhorst, a bill for an act limiting the types of courses secondary students may take under the postsecondary enrollment options Act.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 31**, by Brunkhorst, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 32](#), by Brunkhorst, a bill for an act relating to the disbursement and accounting of child support payments made to the clerk of the district court or to the collection services center and providing penalties and effective dates.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 33](#), by Bolkcom, Dvorsky, Quirmbach, Hatch, Holveck, Lundby, and Dotzler, a bill for an act relating to discrimination based upon a person's sexual orientation under the Iowa civil rights Act.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 34](#), by Bolkcom, a bill for an act relating to the personal needs allowance amount for a recipient of medical assistance residing in a nursing facility.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 35](#), by Bolkcom, a bill for an act relating to the establishment of an assisted living and adult day care task force.

Read first time under Rule 28 and referred to committee on **Human Resources**.

#### STUDY BILLS RECEIVED

##### [SSB 1003](#)      **Transportation**

Relating to highway, aviation, and motor vehicle transportation, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, fees charged for driver's licenses and nonoperator's identification cards, and exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations.

**SSB 1004 Commerce**

Relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

**SSB 1005 Business and Labor Relations**

Providing that interest on weekly workers' compensation payments is paid at the same rate for court judgments and decrees.

**SSB 1006 Appropriations**

Supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 4**

WAYS AND MEANS: Rehberg, Chair; Seng and Shull

**Senate File 5**

EDUCATION: Rehberg, Chair; Beall and Boettger

**Senate File 6**

EDUCATION: Boettger, Chair; Brunkhorst and Kreiman

**Senate File 8**

STATE GOVERNMENT: Johnson, Chair; Black and Schuerer

**Senate File 10**

EDUCATION: Boettger, Chair; Connolly and McKinley

**Senate File 15**

JUDICIARY: Larson, Chair; Kreiman and McKibben

**Senate File 16**

WAYS AND MEANS: Angelo, Chair; Miller and Stewart

**Senate File 17**

WAYS AND MEANS: Sievers, Chair; Larson and McCoy

**Senate File 22**

STATE GOVERNMENT: Shull, Chair; Drake and Kibbie

**Senate File 28**

TRANSPORTATION: Johnson, Chair; Fraise and Putney

**Senate File 29**

STATE GOVERNMENT: Veenstra, Chair; Dearden and Tinsman

**SSB 1002**

COMMERCE: Angelo, Chair; Brunkhorst, Gronstal, Warnstadt, and Wieck

**SSB 1003**

TRANSPORTATION: Drake, Chair; McCoy and Putney

**SSB 1004**

COMMERCE: Angelo, Chair; Warnstadt and Wieck

**SSB 1005**

BUSINESS AND LABOR RELATIONS: Seymour, Chair; Dotzler and McKibben

**SSB 1006**

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer